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10/823,100

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Sun-Chang Lin

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EXAMINER

CAMPEN, KELLY SCAGGS

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/823,100

**Applicant(s)**

LIN ET AL.

**Examiner**

KELLY CAMPEN

**Art Unit**

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)  
Paper No(s)/Mail Date 4/12/2004
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on April 11, 2003. It is noted, however, that applicant has not filed a certified copy of the 92108302 application as required by 35 U.S.C. 119(b).

### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

The abstract of the disclosure is objected to because it includes language which is implied (see below for further information). Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically as to claim 6, it is unclear how the winning supplier is selected in the granting step of the claim.

Specifically as to claim 7, the claim is indefinite for the "if" statement in that it is unclear what parameters are used to determine if quality of the product. Further, the claim is indefinite as it does not include steps to perform if the quality is unsatisfactory.

Specifically as to claim 8, the claim is indefinite because the "if" statement is not complete as to what action is taken for the alternative.

Specifically as to claim 9, the claim is unclear as to the metes and bounds as the language used is indefinite. Further, the use of "determining whether there is a need to negotiate" is indefinite because there are no parameters set forth in determining this need. In addition, the use of "if" statements are indefinite if there are no clear limitations for the alternatives because if there is no need determined, then the claim would have further concerns in what it is intending to claim.

Specifically as to claims 10 and 11, the "if" statements in the claims are unclear for the reasons set forth in the above rejections of claims 6-9.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli (US 5758328) in view of Aycock et al. (US 5765138).

Giovannoli discloses a system for purchasing products through bidding online, the system comprising a corporation website, an application server, a database linking to the application server through a connection, a plurality of client computers linking to the corporation website through a network, and a plurality of supplier computers linking to the corporation website through an external network (figure 1), wherein the application server comprises: a supplier data management module for maintaining basic information on suppliers and their products, and for selecting a plurality of suitable suppliers according to information on products to be purchased;

a price inquiring/quoting/price negotiating management module for inquiring of prices, receiving quotations from selected suppliers, negotiating prices, and generating price-related records; an online bidding management module for opening a bid, comparing bidding results according to price-related records, determining a winning supplier, granting a winning bid to the winning supplier, and generating bid-related records but does not specifically disclose a contract management module for signing procurement contracts with winning suppliers online, and for maintaining the procurement contracts. Aycock et al disclose a method for providing interactive evaluation of potential vendors with contract procurement maintenance and signing (see figure 6) it would have been obvious to one of ordinary skill in the art at the time the invention was made to use contract management with the bidding system in Giovannoli because it is well known to include contract management when bidding on contracts for goods and services.

Specifically as to claim 2, wherein the application server further comprises a procurement data management module for maintaining information on products to be purchased for a purchasing organization (see figures 7 and 8).

Specifically as to claim 3, a stock receiving and accounts balancing module for receiving and checking of products delivered by a winning supplier according to information on products to be purchased (see figures 8 and 7).

Specifically as to claim 4, a price inquiring sub-module for inquiring of prices of selected suppliers, and generating price inquiring records; a quotation receiving sub-module for receiving quotations provided by inquired suppliers, and generating quoting records; a price negotiating sub-module for negotiating prices with suppliers, and generating price negotiating records; and a price-related record maintaining sub-module for adding, deleting and checking price-related

records, said price-related records comprising price inquiring records, quoting records and price negotiating records (col. 7-8).

Specifically as to claim 5, the online bidding management module comprises: a bid opening sub-module for opening a bid for selected suppliers logging on the corporation website to bid online, and generating a bid opening record; a bid comparing sub-module for selecting a winning supplier according to quoting records, price negotiating records and information on products to be purchased, and for generating a bid comparing record; a bid granting sub-module for granting a winning bid to a winning supplier, and generating a bid granting record; and a bidding record maintaining sub-module for adding, deleting, modifying and searching bid-related records, said bid-related records comprising bid opening records, bid comparing records and bid granting records (see figure 4 and 5-6).

Specifically as to claim 6, the method comprising the steps of: receiving information on products to be purchased; accessing basic data on corresponding suppliers that provide the products to be purchased, and selecting a plurality of suitable suppliers by comparing the information on the products to be purchased and the basic data on suppliers; opening a bid online; receiving bidding results from the selected suppliers; comparing the bidding results to select a winning supplier; and granting a winning bid to the winning supplier and notifying the winning supplier to deliver the products (see above rejection for claim 1).

Specifically as to claim 7, signing a procurement contract with the winning supplier through the contract management module; checking the products delivered by the winning supplier according to the information on the products to be purchased, and determining whether



the quality of the products is satisfactory; and calculating corresponding accounts if the quality of the products is satisfactory (see above rejections for specific citations and reasoning).

Specifically as to claim 8, determining whether there is price information in the basic data on each of the selected suppliers; inquiring of a price of a selected supplier if there is no price information in the basic data on that selected supplier; and opening a bid online, generating a bid opening record and storing the bid opening record in a database, if and when there is price information in the basic data on all the selected suppliers (see above rejections for specific citations and reasoning).

Specifically as to claim 9, determining whether there is need to negotiate price with any of the selected suppliers according to the bidding results; negotiating price with one or more of the selected suppliers and generating one or more new bidding results, if price negotiating is needed; and comparing the bidding results to select a winning supplier according to the quoting records, the price negotiating records and the information on the products to be purchased, generating a bid comparing record, and storing the bid comparing record in the database (see figures 4, 5-6).

Specifically as to claim 10, comparing the other selected suppliers and selecting a new winning supplier if the winning supplier does not accept the grant (figures 4-6).

Specifically as to claim 11, the step of notifying the winning supplier that the products must be re-delivered or that the products will be returned, if the quality of the products delivered is not satisfactory (see figure 4-6).

***Examiner's Note***

Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barnard et al. disclose a system for assessing a procurement and accounts payable system. Scolnik et al. disclose a contract bidding for custom synthesis of a chemical structure. Silverman et al. disclose a negotiated matching system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KELLY CAMPEN whose telephone number is (571)272-6740. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

//Kelly S. Campen//  
Examiner, Art Unit 3691